



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1021

attorney general; legislature; legal challenges

Purpose

Requires the Attorney General (AG) to defend the constitutionality of any law passed by the Legislature and signed by the Governor in any legal proceeding.

Background

The AG serves as the chief legal officer of Arizona. The AG's duties include: 1) act as the legal advisor of the departments of the state and render legal services as requested; 2) represent school districts and governing boards of school districts in any lawsuits involving a conflict of interest with other counties; 3) represent political subdivisions, school districts and municipalities in suits to enforce certain state or federal laws; and 4) publish and distribute the Arizona Agency Handbook that explains the major state laws governing state agencies at least every 10 years to state agencies, departments, boards, commissions and councils and other persons and government entities upon request. If the AG determines they are disqualified from providing judicial or quasi-judicial legal representation or services on behalf of a state agency, the AG must provide a written notification to the state agency affected ([A.R.S. § 41-192](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires the AG to defend the constitutionality of any law passed by the Legislature and signed by the Governor in any legal proceeding.
2. Requires the AG to be relieved from the duty if the AG provides notice to the Speaker of the House of Representatives (House) and the President of the Senate stating that the AG does not intend to defend the law at least 10 days before filing any substantive or dispositive pleading regarding the constitutionality of the challenged law.
3. Requires the clerk of the court to provide prompt notice of a court order to the Speaker of the House and the President of the Senate, if the court order requests the parties in a proceeding to address the constitutionality of a state statute and no party has alleged in the proceeding that the state statute is unconstitutional.
4. Makes technical and conforming changes.
5. Becomes effective on the general effective date.

Amendments Adopted by the House of Representatives

1. Specifies that the AG is required to defend the constitutionality of any law passed by the Legislature and signed by the Governor in a legal proceeding, rather than defend all laws passed by the Legislature and signed by the Governor against all legal challenges
2. Modifies the process by which the AG may grant relief from defending the constitutionality of a challenged law.
3. Requires the clerk of the court to provide notice of certain court orders to the Speaker of the House and the President of the Senate
4. Makes technical and conforming changes.

Senate Action

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| GOV | 1/18/23 | DP | 5-2-1 |
| 3 rd Read | 2/21/23 | | 16-12-2 |

House Action

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| GOV | 3/15/23 | DPA | 5-4-0-0 |
| 3 rd Read | 4/5/23 | | 31-27-2 |

Prepared by Senate Research

April 5, 2023

AN/slp